

IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF CALIFORNIA

ATMEL CORPORATION, a Delaware
corporation; ATMEL SWITZERLAND, a
corporation; ATMEL FRANCE, a
corporation; ATMEL SARL, a
corporation,

Plaintiffs,

v.

AUTHENTEC, INC., a Delaware
corporation,

Defendant.

No. C 06-2138 CW

ORDER OVERRULING
PLAINTIFFS'
OBJECTIONS TO
MAGISTRATE JUDGE
LAPORTE'S ORDERS ON
DEFENDANT'S MOTION
TO MODIFY THE
DESIGNATIONS OF
PLAINTIFF'S HIGHLY
CONFIDENTIAL
DOCUMENTS

Plaintiffs have filed an objection to and request for de novo review of Magistrate Judge Laporte's ruling on Defendant Authentec's motion to modify the designations of Plaintiffs' highly confidential documents. Defendant opposes the motion.

Although Plaintiffs request de novo review of Judge Laporte's order, de novo review is only available for the review of a magistrate judge's proposed findings of fact and conclusions of law with regard to a dispositive motion or prisoner petition. 28

1 U.S.C. § 636(b)(1)(B); Fed. R. Civ. P. 72(b). However, the motion
2 decided by Judge Laporte was a pretrial matter that does not fall
3 within any of the exceptions listed in 28 U.S.C. § 636(b)(1)(A).
4 The Court may only reconsider this type of order where it has been
5 shown that the order is clearly erroneous or contrary to law. 28
6 U.S.C. § 636(1)(b)(A); Fed. R. Civ. P. 72(a); Grimes v. City &
7 County of San Francisco, 951 F.2d 236, 241 (9th Cir. 1991). Thus,
8 this Court must affirm Judge Laporte unless "it is left with the
9 definite and firm conviction that a mistake has been committed."
10 Burdick v. Commissioner, 979 F.2d 1369, 1370 (9th Cir. 1992). The
11 reviewing court may not simply substitute its judgment for that of
12 the deciding court. Grimes, 951 F.2d at 241.

13 Having considered all of the papers filed by the parties, the
14 Court finds that Judge Laporte's rulings were not clearly erroneous
15 or contrary to law. Plaintiffs' motion is therefore DENIED (Docket
16 No. 280).

17 IT IS SO ORDERED.

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19 Dated: 3/18/08



CLAUDIA WILKEN
United States District Judge

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22 cc: EDL
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